

**COUNTY OF SAN LUIS OBISPO BOARD OF SUPERVISORS
AGENDA ITEM TRANSMITTAL**

(1) DEPARTMENT Parks	(2) MEETING DATE 9/18/2012	(3) CONTACT/PHONE Curtis Black 781-5204	
(4) SUBJECT Request to approve a Memorandum of Understanding between Avila Beach Sea Life Center, Avila Beach Community Service District and San Luis Obispo County Parks to transfer parklands for the expansion of the Avila Beach Sea Life Center, District 3.			
(5) RECOMMENDED ACTION It is recommend that the Board approve the attached Memorandum of Understanding between Avila Beach Sea Life Center, Avila Beach Community Service District and San Luis Obispo County Parks for the expansion of the Avila Beach Sea Life Center and instruct the Chairperson to sign.			
(6) FUNDING SOURCE(S) N/A	(7) CURRENT YEAR FINANCIAL IMPACT \$0.00	(8) ANNUAL FINANCIAL IMPACT \$0.00	(9) BUDGETED? Yes
(10) AGENDA PLACEMENT { } Consent { } Presentation { } Hearing (Time Est. _____) { X } Board Business (Time Est. 15 min.)			
(11) EXECUTED DOCUMENTS { } Resolutions { X } Contracts { } Ordinances { } N/A			
(12) OUTLINE AGREEMENT REQUISITION NUMBER (OAR) N/A		(13) BUDGET ADJUSTMENT REQUIRED? BAR ID Number: N/A { } 4/5th's Vote Required { X } N/A	
(14) LOCATION MAP Attached	(15) BUSINESS IMPACT STATEMENT? No	(16) AGENDA ITEM HISTORY { } N/A Date 4/23/2002; 5/07/2002	
(17) ADMINISTRATIVE OFFICE REVIEW			
(18) SUPERVISOR DISTRICT(S) District 3 -			

County of San Luis Obispo



TO: Board of Supervisors

FROM: Parks / Curtis Black
781-5204

DATE: 9/18/2012

SUBJECT: Request to approve a Memorandum of Understanding between Avila Beach Sea Life Center, Avila Beach Community Service District and San Luis Obispo County Parks to transfer parklands for the expansion of the Avila Beach Sea Life Center, District 3.

RECOMMENDATION

It is recommend that the Board approve the attached Memorandum of Understanding between Avila Beach Sea Life Center, Avila Beach Community Service District and San Luis Obispo County Parks for the expansion of the Avila Beach Sea Life Center and instruct the Chairperson to sign.

DISCUSSION

The attached Memorandum of Understanding (MOU) between the Avila Beach Sea Life Center (Center), the Avila Beach Community Service District (District) and the County of San Luis Obispo (County) defines responsibilities of each party to collaboratively work toward expansion of the Center, improve community access to recreational and educational opportunities and decrease County Parks operating costs.

Currently the Center is housed in a 4,000 square foot facility on a 4,850 square foot parcel adjacent to Avila Community Park. The County transferred ownership of this parcel to the District in 2002 so that it would remain in ownership of a public agency and be available for the specific purposes of providing a community building for recreation and education. The District and the Center signed a lease agreement on October 24, 2001, in advance of the land transfer, to ensure that the District would have the ability to use the parcel as intended once the land transfer was completed.

The Center has successfully constructed and operated the Sea Life Center for recreation and education and now seeks to expand the building to increase services to the community. The proposed expansion would require an additional 6,900 square feet of land. The County has landscaped lands of Avila Community Park, adjacent to the Center that may be appropriate for the expansion. This Board action would authorize staff, through commitments in the MOU, to work with District and Center staffs to determine whether this property should be used for the Center's expansion. No actual transfer of lands would occur without additional Board actions.

The commitments in the MOU are as follows:

The Center commits to:

- Provide all funds required for the potential expansion of the Center;
- Secure and comply with all federal, state, and local permits and licenses required for the construction, operation, maintenance, and repair of the expansion of the Center;
- Defend, indemnify and hold harmless the County and District against any costs, fines or penalties that may be levied for failure to procure or to comply with such permits or licenses; and,
- Provide all funds required to provide for all ongoing costs of operations, utilities, maintenance, and repairs, and all ongoing costs to provide educational and recreational programing at the Center.

The District commits to:

- Consider options to receive lands from County for purpose of the expansion; and,
- Offer to lease land to Center for \$1.00 per year to accommodate the expansion.

The County commits to:

- Allow access to County property for consultants and other necessary personnel in order to conduct project related surveys and environmental tasks; and,
- Consider transfer of landscaped land to District free of charge for the purpose of expanding the Center.

Any future transfer of ownership of lands would include a Reversionary Clause consistent with one provided in the original land transfer of 2002 that facilitated the construction of the Center. That is, ownership of lands would revert to the County if: the expansion is not completed within an agreed time period established by County or if the property and building cease to be used for the intended purpose of community education and recreation.

With the approval of the MOU the parties will work toward the goal of expanding the ABSLC. Nothing in the MOU would intend to predetermine the transfer of lands or restrict full compliance with the California Environmental Quality Act (CEQA) and other related laws and regulations. Any future land transfer would require a public hearing before the Board of Supervisors after environmental determination, a subdivision of the public lot and General Plan Conformity report. The MOU contains a clause that allows any of the three parties to terminate the MOU with written notice to the other two parties.

OTHER AGENCY INVOLVEMENT/IMPACT

District, Center and County Parks staffs were involved in the development of the MOU. County Counsel has reviewed and approved the MOU as to form and legal effect. The Board of Directors of the Center unanimously approved the MOU on May 25, 2012. The Board of Directors of the District unanimously approved the MOU on June 12, 2012. On March 22, 2012 the County Parks and Recreation Commission advised staff to work with the District and Center to create this MOU and on June 28, 2012 the Commission unanimously recommended that the Board of Supervisors approve the MOU.

FINANCIAL CONSIDERATIONS

Signing the MOU will result in no additional costs to the County. Should the future work on this project result in actual transfer of lands for the expansion of the Center, there would be a nominal decrease in operating costs related to the reduction of maintenance on the approximate 6,900 square feet of landscaped lands.

RESULTS

Signing this MOU and pursuing the potential transfer of landscaped lands to the District for the purpose of the Center expansion supports Policy 3.3 found in the Parks and Recreation Element of the County General Plan to: Seek joint use agreements, volunteer and other partnership opportunities to augment recreational services and reduce project costs. Expansion of the Center would support County goals of providing a healthy livable and well governed community.

ATTACHMENTS

1. Attachment A - ABSLC Site Plan
2. Attachment B - Avila Beach Sea Life Center Expansion, MOU